

REMARKS

Claims 1-11 are now pending in the application. Claims 10 and 11 have been added as new. No new matter has been added, as these amendments are supported by page 8 and 9 of the specification as originally filed. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 2, and 5-9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Balachandran et al. (WO 01/30107 A2) in view of Chuah (U.S. Pub. No. 2003/0076803 A1). Claims 3 and 4 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Balachandran in view of Chuah as applied to claim 1 above, and further in view of what was old and well-known in the art. This rejection is respectfully traversed.

Applicant respectfully submits that Balachandran does not teach or suggest determining whether said SRNC has right to dispatch common resources of a target Node B to which said the current UE is to handover; if yes, applying for required common resources to a specific functional entity that controls said common resources of said target Node B by said SRNC, and according to status of current use of common resources of said target Node B, responding whether said common resources are available by said specific functional entity, if yes, then establishing a direct connection

between said SRNC and said target Node B by said SRNC, and initiating a soft handover within RNC.

In the Office Action, the Examiner states the following:

A relocation required message is sent from the SRNC to the ESGSN and identifies the TRNC. The ESGSN sends a relocation request to the identified TRNC and the TRNC performs a radio resource reservation procedure (see page 5, lines 3-12), which reads on the claimed, "if not then continuing to make handover decision; if yes, determining whether said SRNC has right to dispatch common resources of a target Node B to which said the current UE is to handover; if yes, applying for required common resources to a specific functional entity that controls said common resources of said target Node B by said SRNC."

Applicant respectfully submits that the Examiner has mischaracterized Balachandran.

As cited above (see page 5, lines 3-12 of Balachandran), according to Balachandran, not only the SRNC but also the TRNC participates in the handover procedure. More specifically, if a handover decision is made, the ESGSN sends a relocation request to the TRNC, and it is the TRNC performs a radio resource reservation procedure and is in charge of dispatching the resources of a target Node B to which the current UE is to handover. Since the TRNC is the RNC where the target Node B located, the TRNC surely has the right to dispatch the radio resources of the target Node B. There is no determination that needs to be made whether the TRNC has the right to dispatch resources of a target Node B. Claim 1, on the other hand, recites that if a handover decision is made, determining whether the SRNC has the right to dispatch common resources of a target Node B to which the current UE is to handover. If the SRNC has the right to dispatch the resources of the target Node B, it

applies for required common resources to a specific functional entity that controls said common resources of said target Node B. If the SRNC has no right to dispatch the resources of the target Node B, the SRNC initiates a soft handover between RNC's. Thus, Balachandran does not teach or suggest the SRNC determining whether said SRNC has right to dispatch common resources of a target Node B to which said the current UE is to handover as set forth in claim 1.

Balachandran at best discloses that since a connection between the TRNC and the target Node B will be established in a handover procedure, as shown in figures 2 and 3, it must be the TRNC which determines the availability of radio resources required to serve the MS. While according to claim 1 of the present application, it is it is the SRNC rather than the TRNC (or namely DRNC) that applies for the radio resource of the target Node B if it has the right to dispatch common resources of the target Node B. Thus, Balachandran does not teach or suggest the SRNC applying for required common resources to a specific functional entity that controls said common resources of said target Node B by said SRNC as set forth in claim 1.

In the Office Action, the Examiner also states the following:

The TRNC determines the availability of radio resources required to serve the MS in the TRNC, and reserves the resources if they are available (see page 5, lines 3-12). After a relocation command message is sent, the EXGN starts bicast the PDUs to both the SRNC and the TRNC (see page 5, lines 31-page 6, line 6), which reads on the claimed, "If not then initiating a soft handover between RNC's, and ending; and according to status of current use of common resources of said target Node B, responding whether said common resources are available by said specific functional entity, if yes, then establishing a... connection between said SRNC and said target Node B by said SRNC, and initiating a soft handover within RNC"

Applicant respectfully submits that one skilled in the art would not agree with the statement by the Examiner.

Balachandran appears to disclose a connection between the TRNC and the target Node B will be established in a handover procedure, as shown in figures 2 and 3. While according to claim 1, if the common resources of the target Node B are available, a direct connection will be established between the SRNC and the target Node B. Thus Balachandran does not teach or suggest establishing a direct connection between said SRNC and said target Node B by said SRNC, and initiating a soft handover within RNC.

Moreover, Chuah fails to teach or suggest determining whether said SRNC has right to dispatch common resources of a target Node B to which said the current UE is to handover; if yes, applying for required common resources to a specific functional entity that controls said common resources of said target Node B by said SRNC, and according to status of current use of common resources of said target Node B, responding whether said common resources are available by said specific functional entity.

In view of the foregoing, Applicant respectfully submits that claim 1 defines over the art cited by the Examiner. Likewise, claims 2-9, which depend from 1, define over the art cited by the Examiner. Thus, Applicant respectfully requests withdrawal of the rejection.

CONCLUSION

In view of the above amendment, applicant believes the pending application is in condition for allowance. It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 08-0750, under Order No. 9896-000051/US/NP from which the undersigned is authorized to draw.

Dated: July 27, 2007

Respectfully submitted,

By /Joseph M. Lafata/
Joseph M. Lafata
Registration No.: 37,166
HARNES, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1223
Attorney for Applicant